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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the nine-hundred-  
2 ninety-nine-year homestead program is becoming increasingly  
3 difficult to manage, because conflicts often arise between  
4 family members who may have an interest in a nine-hundred-  
5 ninety-nine-year lease. Existing leases are unique because they  
6 can be assigned only to members of the lessee's family.

7           The purpose of this Act is to expand the eligibility of  
8 potential assignees of a homestead lease to include trustees of  
9 land trusts created for the purposes of managing and holding a  
10 homestead for the benefit of the lessee and lessee's family  
11 members.

12           SECTION 2. Section 171-99, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14           "(e) [~~Assignment~~] Transfer or assignment; certificate of  
15 occupation or homestead lease. No existing certificate of  
16 occupation or existing homestead lease, or fractional interest  
17 thereof, shall be transferable or assignable except by  
18 conveyance, devise, bequest, or intestate succession and with



1 the prior approval of the board of land and natural resources;  
2 provided that transfer or assignment by conveyance, devise, or  
3 bequest shall be limited to a member or members of the  
4 occupier's or lessee's family~~[,]~~ or in the case of a homestead  
5 lease, to any person or persons designated as a trustee of a  
6 land trust.

7 For the purposes of this section~~[, "family"]~~:

8 "Family" means the spouse, reciprocal beneficiary,  
9 children, parents, siblings, grandparents, grandchildren,  
10 nieces, nephews, a parent's siblings, children of a parent's  
11 siblings, and grandchildren of a parent's siblings, of the  
12 occupier or lessee.

13 "Land trust" means a trust created for the purposes of  
14 managing and holding the homestead leasehold estate for the  
15 benefit of the lessee and lessee's family members. The lessee  
16 may be the trustee of the trust.

17 All the successors shall be subject to the performance of  
18 the unperformed conditions of the certificate of occupation or  
19 the homestead lease."

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 4. This Act shall take effect on January 1, 2100.



**Report Title:**

Public Land Trust Lands; 999-Year Homestead Lease; Assignment

**Description:**

Allows 999-year homestead leases to be assigned to trustees of land trusts that are created for managing and holding the homestead leasehold estate for the benefit of the lessee and lessee's family members. Effective January 1, 2100. (HB1268 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

